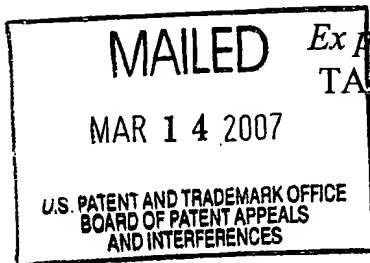


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte PETER J. KIGHT, MARK A. JOHNSON,
TAMARA K. CHRISTENSON, REGINA LACH,
PHILIP POINTER, and KENNETH COOK

Appeal 2007-0654
Application 09/250,711

ORDER REMANDING TO EXAMINER

On February 11, 2004, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that there was not a proper appeals conference conducted by the examiner. According to the Manual of Patent Examining Procedure (MPEP) § 1207.01 (8th ed., Rev. 1, February 2003):

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Moreover, the Board of Patent Appeals and Interferences (hereinafter "Board") mailed an Order Returning Undocketed Appeal (hereinafter "Order") to the Examiner on May 22, 2006 wherein the Board ordered the Examiner to consider the Information Disclosure Statement (IDS) filed on

Application No. 09/768,829


November 24, 2003 and to notify Appellants in writing of such consideration. A review of the file reveals that the Examiner has not responded to the Board's Order filed on May 22, 2006.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1. Take corrective action regarding the appeals conferees initials,
2. To respond to the Board's Order mailed on May 22, 2006 by considering the IDS filed on November 24, 2003, notifying Appellants in writing of consideration,
3. and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN:clj

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